

2. **LEGISLATION AND EXECUTIVE ORDERS**

A. **Safe, Accountable, Flexible and Efficient Transportation Equity Act of 2003 (S.1072 and H.R.2088)**

During May 2003, the Bush Administration's legislation to reauthorize the Transportation Equity Act for the 21st Century (TEA-21) was introduced into the U.S. Congress. This bill, the Safe, Accountable, Flexible and Efficient Transportation Equity Act of 2003 (SAFETEA), would provide over \$201 billion in funding for highway and safety programs and nearly \$46 billion in funding for public transportation programs from fiscal year 2004 through fiscal year 2009. The U.S. transportation systems face significant challenges in the areas of safety, security, congestion, intermodal connectivity, and timely project delivery. Building upon the principles, values, and achievements of TEA-21, this proposal addresses these challenges and creates a safer, simpler, and smarter federal program.

Among numerous SAFETEA provisions are the following:

1. Concerning the creation of a safer transportation system, SAFETEA would: (a) more than double funding for highway safety improvements over TEA-21 levels through a new core highway safety infrastructure program; (b) create a new safety belt incentive program to strongly encourage states to enact primary safety belt laws and achieve substantially higher safety belt usage rates; (c) combine the several safety programs administered by the National Highway Traffic Safety Administration (NHTSA) into a consolidated grant program; (d) provide increased funding for commercial vehicle safety and research programs enhancing the quality, stability, continuity, and uniformity of state commercial vehicle safety and enforcement programs; and (e) expand and improve safety auditing of "new entrant" motor carriers.
2. With regard to the simplification of federal transportation programs, SAFETEA would: (a) expand state and local flexibility by eliminating most discretionary highway grant programs and making these funds available under the core highway formula grant programs; (b) establish a new highway pilot program under which states could manage their Interstate Maintenance Program, National Highway System Program, Surface Transportation Program, Highway Safety Improvement Program, Highway Bridge Program, and Minimum Guarantee Program funds as a block grant; and (c) improve the ability of state and local decision makers to provide public transportation in the most cost-effective way by streamlining program requirements and by restructuring Federal Transit Administration (FTA) programs.
3. In order to enhance the delivery of transportation projects and streamline the environmental review process, SAFETEA would: (a) improve the linkage between the transportation planning and project development processes; (b) strengthen the provisions of current law that establish time frames for resource agencies to conduct environmental reviews and grant permits; (c) simplify the processing of categorical exclusion approvals; (d) clarify the legal standard applicable to determinations as to whether an alternative is feasible and prudent; (e) provide for timely resolution of outstanding legal disputes by establishing a 6-month statute

of limitations for appeals on the adequacy of project environmental impact statements and other environmental documents; and (f) expand the ability of states to use federal-aid highway funds to provide resources to federal agencies to expedite the environmental review process.

4. SAFETEA would protect and enhance the environment by: (a) revising the Congestion Mitigation and Air Quality Improvement (CMAQ) Program to better address the new air quality standards; (b) continuing a major emphasis on improving public transportation; (c) revising the High Occupancy Vehicle (HOV) lane provisions to encourage the use of cleaner and more fuel efficient vehicles; (d) encouraging the active consideration and implementation of context sensitive design principles and practices in all federally-aided transportation projects; and (e) establishing a new Transportation, Energy, and Environment Program to carry out multi-modal energy and climate change research.
5. SAFETEA would simplify the transportation planning process by: (a) combining the long-range metropolitan transportation plan and the shorter term Transportation Improvement Program into a single document; (b) aligning the transportation and air quality planning horizons for purposes of transportation conformity; and (c) creating a single set of requirements applicable to both highway and public transportation planning.
6. In order to expand the capacity and efficiency of the nation's freight system, SAFETEA would: (a) dedicate a portion of National Highway System (NHS) funds for highway connections between the NHS and intermodal freight facilities, such as ports and terminals; (b) allow Surface Transportation Program (STP) funds to be used for publicly owned intermodal freight transportation projects that address economic, congestion, security, safety, and environmental issues associated with freight transportation gateways; (c) allow private freight rail projects to qualify for Transportation Infrastructure Finance and Innovation Act credit assistance; and (d) expand the availability of tax-exempt private activity bonds to include highway projects and freight transfer facilities.
7. SAFETEA would also: (a) authorize a \$425 million grant program to fund capital improvements for intercity bus access to significant intermodal facilities; (b) reward states that measurably improve their safety performance with increased federal funds; (c) expand the investment of private capital in the nation's surface transportation system by improving innovative financing tools; (d) increase access to government loan assistance; (e) continue to foster the research, development, and implementation of Intelligent Transportation Systems technologies with greater emphasis on using these technologies to improve the performance and operation of transportation systems in ways that directly benefit transportation customers; (f) allow states to establish user charges on federal-aid highways provided that the funds are re-invested in the facility and the charges are established as part of a program to manage congestion or improve air quality; and (g) strengthen the stewardship of federal funds without treading on state prerogatives or creating red tape.

A copy of the Bush Administration's proposal is available at the following U.S. Department of Transportation Internet Web Site: <http://www.fhwa.dot.gov/reauthorization/safetea.htm>.